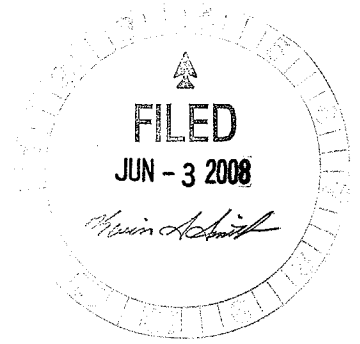


**In the  
Indiana Supreme Court**



IN THE MATTER OF )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR BARTHOLOMEW COUNTY )

Cause No. 03S00-0806-MS-311

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN

Pursuant to Ind. Administrative Rule 1, the Judges of the Bartholomew County Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan.

And this Court being duly advised, now finds that the caseload allocation plan for Bartholomew County should be re-approved.

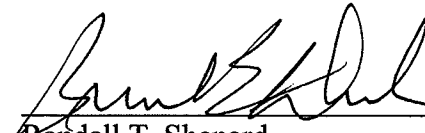
IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Bartholomew County Judges, that the Bartholomew County caseload allocation plan is re-approved.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Stephen R. Heimann, Bartholomew Circuit Court, 234 Washington, Columbus, IN 47201-6750; the Hon. Chris D. Monroe, Bartholomew Superior Court, 234 Washington, Columbus, IN 47201-6750; the Hon. Roderick D. McGillivray, Bartholomew Superior Court, 234 Washington, Columbus, IN 47201-6750; to the Clerk of the Bartholomew Circuit Court; and to post this Order on the Court's website.

The Clerk of the Bartholomew Circuit Court is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order for examination by the Bar and the

general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 31<sup>st</sup> day of May, 2008.

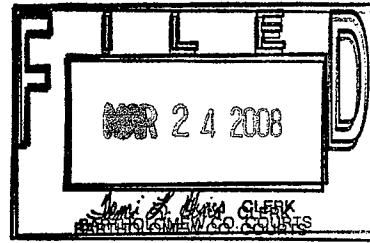
  
ACTING CHIEF JUSTICE  
Randall T. Shepard  
Chief Justice of Indiana

**IN THE CIRCUIT AND SUPERIOR COURTS  
BARTHOLOMEW COUNTY**

Cause No: 03C01-0803-

In the Matter of  
Local Court Rules

)  
)


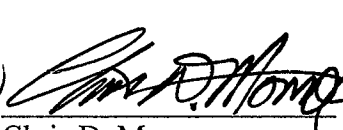
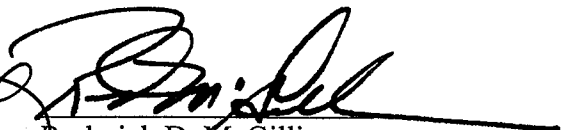


**NOTICE OF LOCAL RULE AMENDMENT AND ORDER**  
**FINDING GOOD CAUSE TO AMEND LOCAL RULES AT TIME**  
**OTHER THAN ESTABLISHED SCHEDULE**

The judges of the Bartholomew Circuit Court and the Bartholomew Superior Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for posting local rule amendments so that case load distributions may be reallocated. After publication for 30 days in the County Clerk's Office, the Bartholomew Clerk's Website, and on the Indiana Judicial Website, furnishing a copy to the officers of the Bartholomew County Bar Association, and allowing time for comments to be received by the Courts and making any necessary changes after comments, this rule will be effective on July 1, 2008. These rules will not take effect until posted for thirty (30) days in the Bartholomew County Clerk's Office, the Bartholomew Clerk's Website as well as the Indiana Judicial Website.

Pursuant to T.R. 81(B)(1), the Courts shall receive comments to this rule until April 30, 2008, which can be addressed to the either Judge Heimann, Judge Monroe, or Judge McGillivray at 234 Washington Street, Columbus, IN 47201.

So ordered this 24th day of March, 2008.

		
Stephen R. Heimann Circuit Court Judge	Chris D. Monroe Superior Court 1 Judge	Roderick D. McGillivray Superior Court 2 Judge

**In the Matter of** )  
**Local Court Rules** )

The judges of the Bartholomew Circuit Superior Courts, pursuant to Trial Rule 81(D), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules. Notice has been given to the public by posting on the website of the Bartholomew County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Bartholomew County Bar Association. Comments may be made until April 30, 2008 to any of the judges or the magistrate of the Courts. These rule amendments will be effective on July 1, 2008, and after approval of the Indiana Supreme Court for those rules requiring approval.

/S/

---

Stephen R. Heimann, Judge  
Bartholomew Circuit Court

**LR03-AR17-1: Caseload Plan**

**CRIMINAL CASE FILINGS** See LR03-CR2.2-1

**Transfer of Criminal Cases** See LR03-CR13-1

**CIVIL CASE FILINGS**

(a) **Infraction** cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.

(b) **Ordinance Violation** cases may be filed in any court.

(c) **Juvenile Chins, Delinquents, Status, Paternity, Miscellaneous, Status, Infractions, and Ordinance Violation** cases shall be filed in Circuit Court.

(d) **Civil Plenary, ~~Mortgage Foreclosure, Civil Collection, Civil Tort, Domestic Relations, Reciprocal, Adoption, Estates, Guardianships Trusts, and~~ Miscellaneous Civil** cases may be filed in any court.

---

(e) Mortgage Foreclosure, Civil Tort, and Domestic Relations cases shall be filed randomly between Circuit, Superior 1 and Superior 2 Courts.

(f) Civil Collection cases may be filed in either the Circuit or Superior 2 Court.

(e)(g) Small Claim cases shall be filed in Superior Court 2.

(f)(h) Mental Health cases shall be filed in Superior Court 1.

(g)(i) Protective Order cases shall be filed in ~~Superior Court 1~~ randomly between Circuit, Superior 1 and Superior 2 Courts unless there is currently pending a case involving the parties in another Bartholomew County Court. Then the protective order case shall be filed in that court.

**LR03-CR2.2-1: General Rules for Assignment of Criminal Cases**

**(a) Superior Court 2.** The following types of cases shall be docketed with Superior Court 2:

- (1) all class D, C, and B felonies related to driving offenses;
- (2) all class D felony possession of controlled substances offenses;
- ~~(23)~~ all classes of misdemeanors (except Domestic Violence cases); and
- ~~(34)~~ all classes of infractions.

**(b) Circuit and Superior Court 1.** The clerk shall docket the following with the Circuit Court and Superior Court 1 in a random method. The following types of cases shall be docketed with these two courts according to the aforementioned method:

- (1) all class A-D felonies (except those specifically denoted to be filed in Superior Court 2 and except for Domestic Violence cases) and
- (2) murder, including capital offenses.

**(c) Domestic Violence Cases.** All Domestic Violence and Domestic Sex Offenses, excluding Murder, shall be filed in the Bartholomew Superior Court I, including misdemeanor charges.

**(d) Defendants with Multiple Actions.** Notwithstanding LR03-CR2.2-1(a) and (b), when a defendant has a case pending against them in Circuit or Superior Court 1, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.

**(e) Co-Defendants.** When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.

**(f) Charges Alleging violation of Protective Order.** When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order was issued.

**(g) Prosecutor's Knowledge of Potential Conflict.** In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a

specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.

### **LR03-CR13-1 Transfer of Cases**

(a) In the event of a conflict, Circuit Court shall reassign cases first to Superior Court 1 and if there is a conflict with Superior Court 1, then the reassignment shall be to Superior Court 2.

(b) In the event of a conflict, Superior Court 1 shall reassign cases first to Circuit Court; and if there is a conflict with Circuit Court, then the reassignment shall be to Superior Court 2.

(c) In the event of a conflict, Superior Court 2 shall reassign cases to Circuit Court and Superior Court 2, randomly.

~~(d) In the event that no courts in Bartholomew County are available to hear a case, then that case shall be transferred to Shelby Circuit Court or Decatur Circuit Court, randomly.~~ (d) In the event that no courts in Bartholomew County are available to hear a case, then that case shall be transferred on a rotating basis to a judge of one of the other courts in the district in the following order: Brown Circuit Court, Jackson Circuit Court, Jackson Superior No. 1, Jennings Circuit, Jennings Superior, Decatur Circuit, and Decatur Superior. A judge shall be skipped in the rotation when such judge is known to the court to be ineligible or disqualified. If a judge is so skipped in the rotation, he or she shall be selected for the next eligible case if the ineligibility has been removed.

(e) In the event that no judge is available for assignment or reassignment, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.